

Department of the Interior Departmental Manual

Effective Date: 02/05/09 Interim

Series: Law Enforcement and Security

Part 446: Law Enforcement

Chapter 25: Boards of Review and Serious Incident Review Groups

Originating Office: Office of Law Enforcement and Security

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25.1 **Purpose.** This chapter sets forth policy for the establishment of Boards of Review and Serious Incident Review Groups to review serious incidents involving Departmental law enforcement personnel.

25.2 **Scope.** This policy applies to all bureaus and offices with responsibility for Departmental law enforcement personnel.

25.3 **Definitions.** For the purpose of this chapter, the terms below are defined as follows:

A. **Bureau Director of Law Enforcement (BDLE):** The designated official who administers the law enforcement program for a bureau or office and is a member of the Law Enforcement Board of Advisors.

B. **Departmental Law Enforcement Personnel:** Department of the Interior (Department / DOI) personnel charged with carrying out various law enforcement functions to include sworn DOI law enforcement officers, security guard, and detention personnel. Contract personnel are not included within this category.

25.4 **Policy.** Each bureau and office with responsibility for Departmental law enforcement personnel, in accordance with the minimum requirements set forth herein, will:

A. Implement Board of Review (BOR) procedures to ensure serious incidents involving Departmental law enforcement personnel are reviewed to identify potential issues affecting procedure, training or policy at the bureau or office program level.

B. Participate in Serious Incident Review Group (SIRG) evaluations of bureau and office BOR reports to identify potential issues effecting procedure, training or policy at the Department level.

25.5 Responsibilities.

A. Deputy Assistant Secretary - Law Enforcement, Security, and Emergency Management is responsible for policy development and provides program guidance and oversight of the Department's law enforcement, security and emergency management programs.

B. Heads of Bureaus and Offices are responsible for implementing bureau or office BOR and SIRG procedures and promulgating any counterpart policy required to implement those procedures in conformance with this chapter.

C. Bureau / Office Managers, Supervisors and Employees are responsible for complying with established BOR and SIRG policy and procedure.

25.6 Requirements - Board of Review. Bureau and office BOR implementation procedures will include the following minimum requirements:

A. BOR Initiation.

(1) Bureaus and offices with responsibility for Departmental law enforcement personnel will convene a BOR to evaluate each serious incident meeting the criteria outlined in Appendix 1.

(2) Bureaus and offices will convene a BOR no later than thirty days following the completion of investigation of a serious incident.

(3) A BOR may convene in person, via teleconference, via video-conference, or any combination thereof, as it deems appropriate.

b. BOR Panel Composition and Attendees.

(1) A BOR panel will consist of a minimum of three members.

(2) BOR panel members will be Departmental law enforcement personnel.

(a) A BOR panel may request input from any other law enforcement or non-law enforcement subject matter experts it deems relevant to the review.

(3) To avoid any appearance of conflict of interest and ensure objectivity is maintained, a BOR panel will not include persons involved in the incident, immediate supervisors of persons involved in the incident, or witnesses to the incident.

(4) A BOR will have a designated Chairperson. The Chairperson will serve as the point-of-contact for matters pertaining to the BOR and have responsibility for administering BOR functions.

c. Coordination.

(1) The Director - Office of Law Enforcement and Security (OLES) will be notified when a BOR is scheduled to convene.

(a) Notification will identify the serious incident under review and will include the name and title of each member serving on the BOR panel.

(2) To avoid compromising any potential judicial proceedings linked to the serious incident under review, the BOR will coordinate with other involved parties (e.g., bureau or office Internal Affairs units, the DOI Office of Inspector General, external law enforcement agencies, the Office of the Solicitor, prosecutorial offices at federal, state, local, or tribal level, etc.).

(a) If an involved party concludes BOR inquiries may compromise any potential judicial proceedings, the BOR Chairperson will request the involved party provide the BOR a written statement requesting a postponement of the review. The Chairperson will forward a copy of the postponement request to the Director - OLES through the appropriate chain of command.

d. Reporting.

(1) Within sixty days of convening, a BOR will submit a final report, through the appropriate chain of command, to the Director - OLES.

(a) When a BOR cannot submit a final report within sixty days, the BOR will submit a status report with any necessary supporting documentation to the Director - OLES every thirty days until such time as the final report is provided.

(2) BOR final reports will include sections addressing each of the following:

- (a) The identification of the BOR panel members;
- (b) A summary of the serious incident under review;
- (c) Scope of employment of involved persons;
- (d) Authority and jurisdiction;
- (e) An incident analysis (presentation of facts);
- (f) Conclusions (to include observations relevant to procedure, training, and policy as applicable); and
- (g) Recommendations and corrective actions.

(i) A BOR is responsible for examining all aspects of a serious incident for purposes of identifying and addressing concerns relevant to procedure, training, or policy issues at the program level. No BOR will address or otherwise make administrative or disciplinary recommendations specific to Department employees involved in the incident under review.

(3) All information relevant to the serious incident under review will be included within the BOR report. This information may include, but not be limited to, the following:

- (a) Investigative reports.
- (b) If an outside agency conducts an investigation but declines to provide copies of its reports, the declination will be documented in the BOR report.
- (c) Witness statements and interviews.
- (d) Description of weapons, ammunition, vehicles, and personal protective equipment used by DOI personnel involved in the incident.
- (e) Firearms qualification and training records of DOI personnel involved in the incident.
- (f) Medical records of DOI personnel involved in the incident.
- (g) Description of associated property damage.
- (h) Declination of prosecution or other relevant communications.

25.7 Requirements – Departmental Board of Review. A BOR may be convened at the Department level. Any such Departmental BOR will comply with the requirements set forth below and in Section 25.6 as applicable.

A. Departmental BOR Initiation.

(1) The Deputy Assistant Secretary - Law Enforcement, Security and Emergency Management (DAS - LESEM) may, in consultation with each BDLE, convene a Departmental BOR when it is determined to be in the best interest of the Department.

(2) A Departmental BOR will be convened for any of the following:

- (a) When a serious incident involves more than one DOI bureau or office.
- (b) When a serious incident involves OLES personnel.
- (c) When requested by a majority of the BDLE.

- (d) At the direction of the Assistant Secretary - Policy, Management, and Budget.

B. Departmental BOR Panel Composition.

(1) The Director - OLES or their designee will be responsible for assembling a Departmental BOR panel comprised of OLES personnel or Departmental law enforcement personnel from bureaus and offices, as appropriate.

25.8 Requirements – Serious Incident Review Group.

A. SIRG Initiation.

(1) The OLES is responsible for convening a SIRG to review bureau and office BOR reports for purposes of identifying and addressing concerns relevant to procedure, training, or policy issues at the Departmental level.

B. SIRG Panel Composition and Attendees.

(1) A SIRG panel must consist of a minimum of five members to have a quorum.

(2) SIRG panel members will consist of the Director - OLES and each BDLE.

(a) If a BDLE is unable to serve on any given SIRG, they will designate a senior-level subordinate to act in their place. To maintain continuity of the SIRG process, if possible, a BDLE should designate the same senior-level subordinate to act whenever they are unable to serve.

(3) A SIRG panel may request input from any other law enforcement or non-law enforcement subject matter experts it deems relevant to the review.

(a) The Office of the Solicitor - Division of General Law will serve as legal advisor to the SIRG.

(b) The Director - OLES will provide staff to perform administrative functions in support of the SIRG.

(4) To avoid any appearance of conflict of interest and ensure objectivity is maintained, a SIRG panel will not include persons involved in the incident, immediate supervisors of persons involved in the incident, or witnesses to the incident.

(5) The Director - OLES will serve as Chairperson of the SIRG.

(a) If the Director - OLES is unable to serve, they will designate a BDLE to serve as Chairperson.

(b) The Chairperson will serve as the point of contact for matters pertaining to the SIRG and have responsibility for administering SIRG functions.

C. Coordination.

(1) The Director - OLES will notify each BDLE when a SIRG is needed.

(a) Prior to the SIRG convening, the OLES will provide SIRG panel members with copies of background materials relevant to the BOR reports under review.

(i) At the conclusion of the SIRG all background materials will be returned to the OLES.

(2) To avoid compromising ongoing investigations or judicial proceedings associated with the BOR reports under review, the Director - OLES will consult with the Office of the Solicitor - Division of General Law prior to convening the SIRG.

(a) If the Office of the Solicitor - Division of General Law advises SIRG inquiries may compromise ongoing investigations or judicial proceedings, the Director - OLES may postpone all or part of the SIRG.

D. SIRG Procedures.

(1) For each BOR subject to review, the Chairperson will:

(a) present a synopsis of the serious incident.

(b) present a review of the BOR report and the conclusions / recommendations reached by the BOR panel.

(2) The SIRG panel members will collectively review the BOR information presented, after which each panel member will cast a vote either in agreement with or in objection to the conclusions / recommendations presented within the BOR report.

(a) Each SIRG panel member will cast only one vote. Abstention will not be permitted. A simple majority will carry the vote.

(b) If a simple majority objects to the conclusions / recommendations presented within the BOR report, the SIRG report will document the majority's dissenting opinion and present alternative solutions for resolution.

(c) If the SIRG panel feels additional information is needed in order to render a decision on any issues, the issues will be tabled until the required supplemental information can be provided to the SIRG.

(i) Upon receipt of the supplemental information, SIRG panel members will have two weeks to notify the Chairperson of their decision concerning any tabled issues.

(ii) Documentation of the majority opinion on any tabled issues may be accomplished by the most expedient method practicable to include reconvening the SIRG, teleconferencing, e-mail, etc.

(3) If any SIRG panel member identifies an issue of concern which was not addressed within the BOR report, the SIRG panel will vote to determine if the issue warrants review.

(a) If the SIRG panel determines the issue warrants review. The matter will be referred back to the bureau or office BOR for evaluation. The BOR will advise the SIRG of its findings within thirty days.

E. Reporting.

(1) Within thirty days of concluding the review, OLES personnel under the direction of the Chairperson, will prepare a draft SIRG report.

(2) SIRG reports will include sections addressing each of the following:

(a) Identification of the SIRG panel members.

(b) A summary of the serious incidents under review.

(c) The recommendations presented within the BOR report.

(d) The findings and recommendations resulting from the SIRG.

i. A SIRG is responsible for reviewing a BOR report for purposes of identifying and addressing concerns relevant to procedure, training, or policy issues at the Department level. No SIRG will address or otherwise make administrative or disciplinary recommendations specific to Department employees involved in the incidents under review.

(3) SIRG panel members will be given two weeks to review and provide written comment on the draft SIRG report.

(a) The review period may be extended at the discretion of the Chairperson.

(4) The DAS - LESEM will review and comment on the draft SIRG report, after which a final SIRG report will be forwarded to the appropriate bureau or office head.

(b) Upon release of the final SIRG report, the Director - OLES will confer with each BDLE as appropriate to facilitate the timely dissemination of findings and recommendations of an urgent nature.

(5) The bureau or office heads will, within thirty days, provide the DAS - LESEM with a written plan to address the SIRG report findings and recommendations.

Appendix 1

Board of Review – Serious Incident Categories

A BOR will be convened to review serious incidents involving:

1. Death or serious injury in the following categories:
 - Any death or serious injury resulting from a use of force by Departmental law enforcement personnel while acting in the performance of official duties.
 - Any incident-related death or serious injury of Departmental law enforcement personnel occurring while acting in the performance of official duties.
 - Any death or serious injury to persons in the custody of Departmental law enforcement personnel.
 - Any death or serious injury resulting from a vehicle pursuit involving Departmental law enforcement personnel.
 - Any death or serious injury resulting from a use of force by Departmental law enforcement personnel or non-Departmental law enforcement personnel during the course of multi-agency action in which the Departmental personnel are directly involved or have a direct nexus to the incident. Only the actions of Departmental law enforcement personnel will be subject to review.
2. Any intentional discharge of a government issued or personally owned firearm by Departmental law enforcement personnel while on or off duty, (excluding non-injury discharges during training, recreational shooting activities, and authorized administrative uses such as the dispatch of wildlife).
3. Any unintentional discharge of a government issued or personally owned firearm by Departmental law enforcement personnel while on or off duty (excluding non-injury discharges during training when a review of the incident has been conducted by the training staff and non-injury discharges of a personally owned firearm while engaged in recreational shooting activities).
4. Any DOI police canine deployment where a bite occurs.
5. Any incident deemed appropriate for review by a Bureau Director of Law Enforcement or the Director - Office of Law Enforcement and Security.